

Education and Workforce Development Cabinet

Kentucky Board of Education

Department of Education

(Amendment)

703 KAR 5:180. Intervention system for persistently low-achieving schools.

RELATES TO: KRS 158.6453, 158.6455, 160.346

STATUTORY AUTHORITY: KRS 156.029(7), 156.070(5), 158.6453, 158.6455,
160.346 (1)(a) and (9)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 160.346 as amended by 2010 Ky. Acts
ch. 1 (HB 176) requires the Kentucky Board of Education to promulgate administrative
regulations to establish the process and procedures for implementing school interventions and
alternate management options for schools, districts, and the state for persistently low-achieving
schools. This administrative regulation establishes the process and procedures for implementing
those interventions and alternate governance options.

Section 1. Definitions. (1) “Assessment Team” means a group assigned by the Commissioner of
Education to conduct the audit required by KRS 160.346 who are selected pursuant to the
requirements of 703 KAR 5:120.

(2) “District Leadership Assessment” means the audit that is conducted:

(a) In a district that contains at least one (1) persistently low-achieving school; and

(b) Pursuant to Section 3 of this administrative regulation.

(3) “Needs Assessment” means a formal process to ascertain the strengths and weaknesses of the identified school for the purpose of developing the strategy for the school’s turnaround pursuant to KRS 160.346.

(4) “School Leadership Assessment” means the audit that is conducted:

(a) In a persistently low-achieving school; and

(b) Pursuant to Section 2 of this administrative regulation.

Section 2. School leadership assessment. (1) Within sixty (60) days of identification as a persistently low-achieving school by the Department of Education, a school leadership assessment shall be performed for a persistently low-achieving school by the assessment team to review the functioning of the school council and also the specific leadership capacity of the principal.

(2) The assessment shall make a determination of the school council’s and principal’s ability to lead the intervention in the school based upon the following criteria:

(a) The school leadership’s ability to function as an effective learning community and support a climate conducive to performance excellence;

(b) The school leadership’s ability to actively engage families and community groups to remove barriers to learning in an effort to meet the intellectual, social, career and developmental needs of students;

(c) The school leadership’s ability to focus its professional learning program primarily on job-embedded professional learning;

(d) The school leadership’s ability to make instructional decisions that focus on support for:

1. Teaching and learning;

2. Organizational direction;

3. High performance expectations;
 4. Creating a learning culture; and
 5. Developing leadership capacity.
- (e) The school leadership's ability to organize the school to maximize use of all available resources (both human and fiscal) to support high student and staff performance; and
- (f) The school leadership's ability to effectively:
1. Identify the needs of all students;
 2. Set specific, measurable goals to address those needs;
 3. Implement specific strategies to reach those goals;
 4. Provide adequate resources to implement those strategies; and
 5. Frequently monitor implementation of the strategies and make adjustments when strategies are not achieving the desired outcomes.
- (3) The school leadership assessment shall utilize the
- (a) Standards and Indicators for School Improvement;
 - (b) the Missing Piece of the Proficiency Puzzle;
 - (c) classroom observations;
 - (d) stakeholder interviews;
 - (e) teacher and principal working conditions survey; and
 - (f) portfolio of school records.
- (4) The assessment team shall submit a report to the Commissioner that specifically makes recommendations regarding whether the:
- (a) School council has the capability and capacity to continue its roles and responsibilities established in KRS 160.345, **or whether the council shall be retained in an advisory capacity,**

and if retained, whether the current membership of the council shall be replaced by the Commissioner; and

(b) Principal has the capability and capacity to continue his or her roles and responsibilities established in KRS 160.345.

(5) A School Leadership Assessment shall be repeated every two years until the requirements of KRS 160.346(8) are met.

Section 3. District leadership assessment. (1) Within sixty (60) days of identification by the Kentucky Department of Education as a district containing a low-achieving school, a district leadership assessment shall be performed by the assessment team to review the functioning of the district administration and its specific leadership capacity related to each identified school.

(2) The assessment team shall submit a report to the Commissioner that specifically makes a recommendation regarding whether the district has the capability and capacity to manage the intervention in the identified school(s).

(3) There shall be only one district leadership assessment per district, per year, regardless of the number of persistently low-achieving schools located in the district.

(4) The assessment shall make a determination of the district's ability to manage the intervention in the school based upon the following criteria:

(a) The district leadership's commitment to support each school in its efforts to be effective learning communities and to support climates conducive to performance excellence;

(b) The district leadership's commitment to actively engage families and community groups to remove barriers to learning in an effort to meet the intellectual, social, career and developmental needs of students;

(c) The district leadership's commitment to provide the resources, time and calendars necessary for each school to build professional learning programs based primarily on job-embedded professional learning;

(d) The district leadership's commitment to support instructional decisions that focus on support for teaching and learning, organizational direction, high performance expectations, creating a learning culture, and developing leadership capacity;

(e) The district leadership's ability to provide the human, fiscal and time resources to allow each school to support high student and staff performance; and

(f) The district leadership's ability to support, through its district improvement plan, school efforts to effectively:

1. Identify the needs of all students;
2. Set specific, measurable goals to address those needs;
3. Implement specific strategies to reach those goals;
4. Provide adequate resources to implement those strategies; and
5. Frequently monitor implementation of the strategies and make adjustments if strategies are not achieving the desired outcomes.

(5) The district leadership assessment shall utilize the:

- (a) Standards and Indicators for School Improvement;
- (b) Stakeholder interviews; and
- (c) Portfolio of district records.

(6) A district leadership assessment shall be repeated every two years until the requirements of KRS 160.346(8) are met by all schools in the district.

Section 4. Notification to Schools and Districts of Leadership Assessment Determination.

~~[Within ten (10) days of receipt of the assessment team's recommendations for a specific~~

~~school,]~~ The Commissioner shall notify, in writing, the school council, **the principal,**

superintendent, and local board of education of the determination regarding:

(a) School council authority;

(b) Principal authority; and

(c) District capacity.

The notification shall include a statement of the appeal process to the Kentucky Board of

Education as required by KRS 160.346.

Section 5. Authority to select an intervention option. (1) If the school assessment determines

that the school council has sufficient capacity to manage the recovery, and the district assessment

determines the district has the capacity to support the recovery, the school council shall, within

thirty (30) days after the receipt of the Commissioner's notification, choose an intervention

option and develop an action plan. The council shall present the option and plan to the local

board of education, which shall give final approval and provide the necessary support and

resources for the recovery effort.

(2) If the school assessment determines that the school council does not have sufficient capacity

to manage the recovery and recommends the council's authority be transferred and the district

audit finds sufficient district capacity to support the recovery and recommends the council's

authority be transferred to the superintendent, the superintendent shall, within **forty-five (45)**

~~thirty (30)]~~ days after the receipt of the Commissioner's notification **or thirty days (30) days**

after the action of the Kentucky Board of Education if an appeal is filed, make a

1 recommendation for an intervention option and submit the choice to the local board of education,
2 which shall make the final determination on the intervention option.

3 (3) If the school assessment determines that the school council has sufficient capacity to manage
4 the recovery, and the district assessment determines the district does not have the capacity to
5 support the recovery, the school council shall, within thirty (30) days after the receipt of the
6 Commissioner's notification **or forty-five (45) days after the action of the Kentucky Board of**
7 **Education if an appeal is filed**, choose the intervention option and submit its choice to the local
8 board of education, which shall review the option chosen by the school council and submit the
9 choice to the Commissioner of Education who shall approve the choice.

10 (4) If the school assessment determines that the school council does not have sufficient capacity
11 to manage the recovery and recommends the council's authority be transferred, and the district
12 assessment finds the district lacks sufficient capacity to support the recovery and recommends
13 the council's authority be transferred to the Commissioner of Education, the Commissioner of
14 Education shall, within **forty five (45)** [~~thirty (30)~~] days after receipt of the assessment
15 determination **or thirty days (30) days after the action of the Kentucky Board of Education**
16 **if an appeal is filed** and in consultation with the **advisory** school council, superintendent and
17 local board of education, determine the intervention option. The identified school and local
18 district shall implement the intervention option with support from the Kentucky Department of
19 Education.

20 Section 6. Implementation of intervention options. (1) A school or district engaging in the Re-
21 Staffing Option shall:

22 (a) Replace the principal with a certified principal who has specific training in turning around
23 low-achieving schools and grant the new leader sufficient operational flexibility, including

staffing, calendars, time, and budgeting, to fully implement a comprehensive approach in order to substantially improve student achievement outcomes and, if a high school, increase high school graduation rates. The current principal shall be eligible to remain if the school leadership assessment recommends and the Commissioner determines the principal has the capacity to lead the recovery.

(b) Replace the school council with individuals appointed by the Commissioner. The current school council shall be eligible to remain if the school leadership assessment recommends and the Commissioner determines the school council has the capacity to lead the recovery or if the school leadership assessment recommends and the Commissioner determines the current school council shall remain in an advisory capacity.

(c) Use competencies adopted by the local board of education to measure the effectiveness of staff who can work within the turnaround environment to meet the needs of students to:

1. Screen all existing staff and rehire no more than 50 percent; and

2. Select new staff. [~~Use standards adopted locally by the board of education to measure the effectiveness of staff who can work within the turnaround environment to meet the needs of students;~~]

(d) Select new staff to replace those transferred or dismissed;

(e) Implement strategies designed to increase opportunities for career growth, including more flexible working conditions that are designed to recruit, place, and retain staff with the skills necessary to meet the needs of the students in the turnaround school;

(f) Provide staff with ongoing, high-quality, job-embedded professional development that is aligned with the school's comprehensive instructional program and designed with school staff to

ensure that they are equipped to facilitate effective teaching and learning and have the capacity to successfully implement school reform strategies;

(g) Adopt a new governance structure which shall include requiring the school to provide quarterly progress reports to the local board of education and the Kentucky Department of Education;

(h) Use data to identify and implement an instructional program that is research-based and vertically aligned from one grade to the next as well as aligned with the required core academic standards established in 704 KAR 3:303;

(i) Promote the continuous use of student data from formative, interim, and summative assessments to inform and differentiate instruction in order to meet the academic needs of individual students;

(j) Establish schedules and implement strategies that provide increased learning time; and

(k) Provide appropriate social, emotional, and community-oriented services and supports for students.

(2) A school or district engaging in the External Management Option shall:

(a) choose an education management organization (EMO) from a list of approved EMO's established by the Kentucky Board of Education pursuant to Section 6 of this administrative regulation;

(b) Contract with the EMO to provide day to day management of the school; and

(c) Provide quarterly progress reports to the local board of education and the Kentucky Department of Education.

(3) A school or district engaging in the Transformation Option shall:

(a) Replace the principal who led the school prior to commencement of the transformation model with a certified principal who has specific training in turning around low-achieving schools. The current principal shall be eligible to remain if the school leadership assessment recommends and the Commissioner determines the principal has the capacity to lead the recovery and has specific training in turning around low-achieving schools;

(b) Replace the school council with individuals appointed by the Commissioner. The current school council shall be eligible to remain if the school leadership assessment recommends and the Commissioner determines the school council has the capacity to lead the recovery **or if the school leadership assessment recommends and the Commissioner determines the current school council shall remain in an advisory capacity.**

(c) Use rigorous, transparent, and equitable evaluation systems for teachers and principals that:

1. Take into account data on student growth as a significant factor as well as other factors such as multiple observation-based assessments of performance and ongoing collections of professional practice reflective of student achievement and increased high-school graduations rates; and
2. Are designed and developed with teacher and the principal's involvement;

(d) Identify and provide additional leadership and compensation opportunities to school leaders, teachers, and other staff who have increased student achievement and high-school graduation rates, if applicable, and identify and remove those who, after ample opportunities have been provided for them to improve their professional practice, have not done so;

(e) Provide staff with ongoing, high-quality, job-embedded professional development that is aligned with the school's comprehensive instructional program and designed with school staff to ensure they are equipped to facilitate effective teaching and learning and have the capacity to successfully implement school reform strategies which shall include:

- 1 1. Subject-specific pedagogy;
- 2 2. Instruction that reflects a deeper understanding of the community served by the school; and
- 3 3. Differentiated instruction;
- 4 (f) Implement strategies designed to increase opportunities for career growth which shall include
- 5 more flexible working conditions designed to recruit, place, and retain staff with the skills
- 6 necessary to meet the needs of the students in a transformation school;
- 7 (g) Use data to identify and implement an instructional program that is research-based and
- 8 vertically aligned from one grade to the next as well as aligned with state academic standards;
- 9 (h) Promote the continuous use of student data from formative, interim, and summative
- 10 assessments to inform and differentiate instruction in order to meet the academic needs of
- 11 individual students;
- 12 (i) Increase learning time and create community-oriented schools that:
- 13 1. Establish schedules and implement strategies that provide increased learning time; and
- 14 2. Provide ongoing mechanisms for family and community engagement; and
- 15 (j) Provide operational flexibility and sustained support that:
- 16 1. Gives the school sufficient operational flexibility, including staffing, calendar, time, and
- 17 budgeting to fully implement a comprehensive approach to substantially improve student
- 18 achievement outcomes and increase high school graduation rates; and
- 19 2. Ensures that the school participates in ongoing, intensive technical assistance and related
- 20 support from the local district and the state.
- 21 (k) Provide quarterly progress reports to the local board of education and the Kentucky
- 22 Department of Education.

(4) A school or district engaging in the School Closure Option shall develop a plan for the closure of the school. The plan shall include:

(a) A process for the transfer of students to higher performing schools in the district;

(b) A determination by the local board of education regarding staff assignments and the use of the existing facility and other assets;

(c) A method of monitoring the progress of students in their new school environment; and

(d) A quarterly progress report to the local board of education and the Kentucky Department of Education.

Section 7. Establishment of approved External Management Organizations.

(1) The list of approved EMOs shall be created by the Commissioner of Education following the application process established in subsection (2) of this section.

(2) The Commissioner shall issue a request for information to solicit EMO applicants who shall detail the scope of the services they are able to provide to persistently low-achieving school. The request for information shall include the following information to solicit the EMO's qualifications:

(a) The ability of the EMO to staff the school with dynamic leadership with experience in turning around low-performing schools during the period of the contract;

(b) The ability of the EMO to conduct a needs assessment in the school and develop a plan of action based on the needs assessment;

(c) The ability of the EMO to deliver a comprehensive list of services designed to turnaround the school(s);

(d) The ability of the EMO to screen staff and make decisions on staff assignments;

(e) Its familiarity with Kentucky school laws and administrative regulations;

- (f) The experience of the EMO in turning around low-achieving schools;
- (g) References from other low-achieving schools or school districts supporting the EMO's ability to turn around low-achieving schools;
- (h) Evidence by the EMO that its provision of services includes instructional leadership, professional learning support for teachers and other staff, and services to families and community stakeholders;
- (i) Evidence of the EMO's financial stability, any pending or threatened litigation, and liability insurance coverage; and
- (j) Other information required pursuant to KRS Chapter 45A.

(3) The Commissioner of Education shall review all responses and determine which applicants meet the criteria in subsection (2) of this section. The qualifying applicants shall be submitted to the Kentucky Board of Education for approval. The list of approved EMOs shall be made public upon approval by the Kentucky Board of Education.

Section 8: Replacement of council members by the Commissioner. When the Commissioner is required to appoint advisory council members, the Commissioner shall select three (3) teachers and two (2) parents from a list of nominees submitted by the superintendent. The Commissioner shall select candidates who are capable of providing leadership in the turnaround environment of the school, and meet the requirements of KRS 160.345. The appointed council shall remain in advisory capacity until the school meets the requirements of KRS 160.346(8). The Commissioner will fill any subsequent vacancy through this procedure, until such time as the council is restored full authority.

Section 9. [Section 8] Incorporation by Reference. (1) The following material is incorporated by reference:

- 1 (a) "Standards and Indicators for School Improvement", dated March 30, 2000; and
- 2 (b) "The Missing Piece of the Proficiency Puzzle, dated June 2007.
- 3 (2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at
- 4 the Kentucky Department of Education, First Floor, Capital Plaza Tower, Frankfort, Kentucky
- 5 40601, Monday through Friday, 8:00 a.m. to 4:30 p.m.